

**General Plan 2020 Steering Committee Meeting
November 23, 2002 – Minutes**

Attendees:

Mark Price	Alpine
Chuck Davis	Bonsall
Margarite Morgan	Bonsall
Tim McMaster	Crest/ Dehesa
Pat Brown	Julian
Richard Hensle	Lakeside
Joe Chisholm	Pala Pauma
Sam Mitchell	Ramona
Lois Jones	San Dieguito
John Ferguson	Spring Valley
Gil Jemmott	Twin Oaks
Jack Phillips	Valle De Oro
Louis Schooler	Tecate
John Elliott	Descanso
Larry Glavinic	Valley Center

Public/ Visitors:

Mary Allison
Charlene Ayers
Julie Bugbee
Dutch van Dierendonck
Jan van Dierendonck
Iris Mitchell
Lael Montgomery
Rich Rudolf
John Stewart
Nelo Whidby

Planning Commissioner:

Bryan Woods

Staff:

Tom Harron, County Counsel
Gary Pryor
Ivan Holler
LeAnn Carmichael
Rosemary Rowan
Dixie Switzer
Dahvia Locke

Meeting commenced at 9:15am.

Introductions.

Woods: Okay, let's go ahead and open the meeting and let's address the minutes. Do we have any corrections, deletions, additions?

M. Morgan: Page 19. I'm credited with two statements that I did not make. And this one has a question mark. So, I was not credited with one and two, but I was credited with the statement at the bottom of the page.

Woods: So, the question marks are incorrect?

Morgan: They are definitely not [correct].

Woods: They're not you? So noted. Any others?

John: On page 13 I was finishing up a long statement at the top. And I finished up with, "I'd like to see the entire ordinance marked up" and I remember at that point that Gary said, "Sure, that's no problem. We'll have it." And then we moved on, the discussion changed directions. That statement, that assurance he made, has disappeared.

G. Pryor: It's still there.

Ferguson: Okay. Before we finish on clustering, we'll see that the new version takes care of the same problem the present ordinance addresses.

Woods: Okay.

J. Phillips: I want to compliment the staff for such an improvement over the last minutes. They did a really good job on these minutes.

Woods: Yeah, I really got a flavor for the meeting in re-reading them. And my compliments go out also.

Motion to approve minutes with corrections (Morgan). Seconded (L.Glavinic). Abstentions- 1.

Woods: With that, we are going to go ahead and move into the next item on the agenda, which is the Regional Categories. Let me preface this by saying that these are the meetings that I did not go to, and I did review a lot of the minutes. This is almost a formality today because we've had four or five meetings discussing these issues. But, unless there is something that seems out of the realm of what we've already discussed, we want to try to support these formally this morning. Are there any comments from staff on these? We are looking at the Regional Categories "Village Core" Core", "Village Core" [as described in the] Land use framework.

Phillips: What are we approving here? Something that we know or something that is modified?

Woods: Something that we know.

R. Rowan: This is exactly the same document that you brought to the meeting August 24th. We didn't take a vote that day because there wasn't a quorum. There've been no changes. It's exactly the same document.

Woods: The first item is just a definition of "Village Core" Core". You'll all want to take a chance and take a look at that, to see if it agrees with the memory bank on a Saturday morning.

Phillips: We have these conflicts on the implications of the existing General Plan and the fact that we have rather large and advancing small islands, developments, and established development that we don't want suddenly given a big boost through General Plan Amendments to start re-subdividing properties.

I. Holler: Jack, I think that question is not so much on ““Village Core”” Core or ““Village Core””, but there is one in here called ““Village Core”” Limit Line. Your comments would probably fit more appropriately with that one.

Phillips: I know we worked on that, but we never saw the product.

Woods: As we go through these, you might take two minutes to look at the “Village Limit Lines”.

Phillips: I don’t want to be one to drag on progress here, but if we’re going to have something on the agenda to vote on, a person with a senior mind like mind needs to have it in advance to make sure that all the issues have been resolved. I can’t do it in two seconds. I feel very nervous about this however, because I am required to remember what the issues were—every one of them that was brought up. And then to remember what the resolution was, because all I have is the finished copy here to look at. I know I have a mark-up at home, but I didn’t even know this was on the agenda. All I had on my agenda was Land-Use Framework and Clustering Policy and a bunch of minutes.

Rowan: It’s the Land-Use Framework.

Phillips: Is there a time issue here? Is there any reason that this particular decision can’t be put off until the next meeting?

Holler: We could put this off to the next meeting if you folks feel more comfortable in doing that- and jump right into Clustering.

Phillips: Well, I can give it a try. But if you had sent this along then it would have given me a chance to pull out the old one.

Woods: I think the issue was that it was already discussed and agreed upon by all those present. It’s simply taking the opportunity to clean up, formally, what was presented in the past.

Holler: Another option might be that we could do the “Village” and the “Village Core” and so on, and leave the vote off on “Village Limit Lines”, because I think that’s where your concerns are rested.

Phillips: Well, let me read what you have in here.

Pryor: The only thing that is up for a vote today is what was resolved at those meetings. And the topic of discussion is the one that Jack is concerned about, which is “Village Limit Line”.

Ferguson: How far into this is it?

Pryor: We would like to get through the ones that were already agreed upon, if the people agree.

Ferguson: The “Village Core”, etc., stuff, but not the designations in terms of Commercial and Industrial.

Rowan: Actually, we made it through all of the Commercial and Industrial- we got votes on all of those. The only ones we didn’t get votes on, except for the SPAs that you mentioned, were the Public Facilities and Open Space. So those were the two leftover designations. My general

impression is that there are still some issues on “Village Limit Line”. But probably not on the other Regional Categories and I thought we pretty much had a thorough discussion on Public Facilities and Open Space.

Glavinic: I’ve got a problem with this, because the “Village Limit Line” very much affects Valley Center and I would like planning staff to comment on that.

Holler: Defer everything, Larry, or just the “Village Core Limit Line”?

Woods: Sounds like that is the favor of the group that we will put off the “Village Limit Line” discussion for another meeting and then take a vote on it. We hammered out all the definitions on “Village” and “Village Core”.

Woods: That’s my understanding. If you would like, is it the will of the group to go ahead and affirm those issues that were already addressed?

Phillips: I’d like to put the whole thing off because I am finding myself completely at a loss here. I know I have a thorough mark-up of this in a file at home. There are too many words in here, and every word is important in these definitions, because we are going to have to live with them for a long time. I’m sorry, I came here to talk about Clustering today, and I’m really concerned that the baby may be thrown out with his bath water if we just go through this stuff. I may come back next time and say, “God, it’s all beautiful.”

Woods: Well, I’d rather have you be comfortable. I don’t want to you be pressured here to ram it down without proper affirmation of notes and comfort levels.

Phillips: Is it time-critical?

Woods: Well, there are a lot of things that need to be done before the end of the year, so yes. We will have another meeting before the end of the year. It’s going to cram a lot on the agenda so we are going to have to come prepared to get a lot of work done, but that’s fine.

Phillips: Those meetings tend to slip, and we may not get one in before the end of the year.

Woods: The plan is to get one in before the end of the year, if we can get all you folks to commit to come down.

Phillips: Might I suggest that you use the list over there and when you send out the agenda, the people that aren’t here for this one, they can send out a copy of this to those people so that they will know? And maybe the agenda should be worded a little better, and say something like “Action Item”.

S. Mitchell: I’m inclined to agree with [Jack].

Woods: I think there’s a consensus to go ahead and put it off, but we will unfortunately really push hard to find a date between now and the end of the year and would ask you to accommodate that so we can get this done. So let’s go ahead and jump into Clustering.

Morgan: Where’s that movie that we saw on Clustering because I have it slated for my agenda?

Rowan: Has anyone contacted you, Margarite? Right now, Twin Oaks has it and one of our staff members. [G. Jemmot walks over to Morgan and hands her the video tape in question.] We'll let our staff member know that you now have it.

Woods: Okay, what we are going to do now is go ahead and open up discussion on clustering. We are going to have a short presentation by Rosemary.

Rowan: The handout that we gave you today is a follow-up to the first one. Basically, the first part of it summarizes the general description and information about how clustering policies affect development patterns- I won't repeat that because we went through that at the last meeting. We also went through last meeting's minutes, and on Pages 6 and 7 is our attempt to summarize the various questions and comments. This didn't come out to you in the mail because we didn't have it finished; we had a really quick turnaround for this meeting. The handouts today included some potential answers to the questions that are listed in our booklet. We promised you we would provide you with answers to those comments and questions. Our goal today is to have a general discussion in more detail about clustering, but our real goal is to get some feedback on potential goals and policies in the General Plan. In order to do that what we attempted to do was to lay out a broader long-range way to address clustering because you can't just address it in the General Plan. You have to then follow up with a special ordinance or, ultimately, that would go into a Zoning Ordinance update. In order to be able to get back into the policies, you almost have to take that broader look and ask, "Well how would this work in a regulatory process?". So on Page 10, we provided you with a regulatory overview. And I would just like to emphasize, generally speaking, our goal in all of this is to try to minimize problems with clustering and maximize the benefits. And the benefit of clustering primarily is the open space that you can get from it, and the things that happen in that open space; whether its retaining rural character, recreation, preserving agriculture, or whatever. In a way, that is the benefit of clustering. So all of this is really designed to do that, and I'd like to request that you keep that in mind as you look through these things. On Page 10, the Regulatory Overview, basically we are looking at the General Plan, trying to fit in some policies for clustering. On Page 11, we have a list of potential policies that we would like to discuss today. In the

Regional Land Use Element, a goal and policy for clustering would essentially establish the framework for future regulations. The community plan policies could also address clustering at a community level, provided they are consistent with the Regional Plan. Then, as part of the implementation, we could have a clustering ordinance that would be part of, or would follow shortly after the General Plan and the ordinance would then implement those goals and policies. Part of that would be putting together some building and site development standards and guidelines for clustering. A lot of the problems associated with it can be resolved through design, good site lay out, and resolving some building issues. Third, to provide some guidelines in the Implementation Plan for getting information out to the communities who may not have local resource networks. Fourth, would be the Zoning Ordinance update, or in a special ordinance that would be absorbed in the Zoning Ordinance update. That's where you would begin to assign some minimum and maximum lot sizes for clustering, depending on location, community character, and the kind of density that you are talking about. In addition to that, at that time communities could, if they desired, customize the design standards and guidelines for the cluster developments. And third, if a community wants to include a conceptual map of an open space network for their community, they would also include that in the Zoning Ordinance update. So, that's the general organization of things that we're proposing.

Woods: Would you review the timing of the Zoning Ordinance update, as it relates to what we're doing here, generally speaking?

Rowan: It follows what we're doing, the exact timing. Perhaps Gary can speak to that, but I'm not sure what the timing would be. One of the reasons we are talking about a Clustering Ordinance is that you may need that sooner rather than later. A Zoning Ordinance update usually takes awhile to prepare. But you may need to have that ordinance in place if you are going to have clustering, before the entire update is finished. But I'm not sure that there is a real clarity as to what those timelines are.

Woods: The point I was really going for is after we finish the basic work here on the Land Use Distribution Map and Goals and Policies, and it goes to the Board and they say, "proceed with the EIR"- you get to that point and the next step in the work process is going to be zoning, and there are going to be some challenges there.

Pryor: Because of the length of time we have taken in terms of putting the plan together, we know we are going to take forward some of the implementing strategies with the General Plan. So, we will probably start to do some of the ordinance amendment concurrent with the work on the General Plan. So while we are drafting the EIR, for example, we also can be drafting ordinance amendments to provide for clustering or to provide for other things that are there. Some of the communities may in fact even start design standards, in terms of setting up much more specific design guidelines. Now some have very good guidelines, and others don't have any and wish they had them. And we will start to run some of those things concurrently. But we know for example that as the General Plan goes forward for adoption, we are going to have address the issue of TDRs, PDRs, and those types of things, which are the equity issues that have been raised with regard to the density. So those things will occur concurrently. We aren't going to wait and do these sequentially because for some of these when you go to the density, then we will have to modify the Zoning Ordinance anyway, to be sure the density doesn't create problems with regard to the shift-over. And one of those examples was one that Jack brought up this morning about the SPAs. Or we have an Open Space designation that we need to look at. We need to be sure that the ordinance is not going to open that door back up and create headaches. So it will have to be run concurrently, in terms of taking the package forward so we deal with those issues when they hear that we have something that's working. It doesn't mean the whole Zoning Ordinance before you adopt the General Plan, but it does mean that the Zoning Ordinance is going to then be looked at very carefully a short time after that in order to set lot sizes and those kinds of things. Those can sort of wait, but you are ultimately going to want to get to that so that you have a good foundation for both of them.

Rowan: That is a fairly good summary of what we have on Page 10, which is the overview of how we see the clustering fitting into the various regulatory pieces over the time that we are working. Obviously the focus is the General Plan. Some potential policies are on Page 11. I think that the focus of today's effort would be a pretty thorough review of those. We aren't necessarily looking for what would be agreed to, but we want to get a general sense of community input and community consensus on how those various goals and policies would work out. We have divided them up into a couple of different segments- one that deals with density and yield. And the key one there is that one way to do this is to establish minimum and maximum lot sizes, in other words it is a range that you would have for different locations that would be in the Zoning Ordinance. There is a lot of detail we could talk about today, but I don't know if we have time to get into it all. One of the examples we were looking at was in San Luis Obispo, which establishes minimum and maximum lot sizes for clustering. And then they have various criteria for how you determine those. Some of those include fire hazards, remoteness, access and slope. So there are a variety of ways that you go about doing minimum and maximum lot sizes. But the idea is that you kind of establish that in your goals and policies as an idea, then you would set up the details of it later on—the regulations and the process. Clustering projects should be pre-application

reviewed by County staff and respective Planning or Sponsor Groups. Some of these are answers to some of the concerns that you brought up at the last meeting. There was a concern that you need to make sure that clustering was done correctly, and yet that you don't create such roadblocks to it that it won't happen. So we are suggesting a policy that says, "...establish streamlined process for well-designed developments that produce open space benefits". I don't know if I need to read all of these (I will if you would like me to) and explain them. But generally, that is the focus of today's meeting. On Page 12 and 13 we are going beyond that, because sometimes you need to understand where you are going and how that regulatory process would work before you even know how to write your policies. The focus of today's effort is "B", where you would have clustering that is okay- in other words, it is within that minimum and maximum range for that particular area, and that particular type of clustering would be subject to design review. It talks about what the lot size would be- that you need to establish a minimum and maximum. What about the open space? Part of what the lot size will tell you is how much open space you are proposing to get out of that development. On the last page, this gives you some examples of what kind of open space you might expect to get from different lot sizes depending on what your density is. For example, if your density is 1du/2 acres, if you have a lot size of .5, or half an acre, you can expect to get fifty to fifty five percent open space out of that clustered development. How did we get these numbers? We just factored in some assumptions about the percentage of the development that would go into roads, etc. The roads are not included in the open space, that would be in the development part. So this just to give you an idea of how much open space you can get from certain lot sizes and different kinds of densities of development. So one of the things that you would want to make sure is that your minimum and maximum lot sizes give you the open space you are looking for—that's your benefit.

[unknown speaker]: I'm kind of confused by this. On the percentages, when you are talking about one dwelling per two acres—say you are on septic like you are saying, then on the one acre parcel size, thirty percent of that parcel is what?

Rowan: For instance, if you have a whole development coming in and your density on that development is 1du/ 2 acres, instead of using something closer to a two acre parcel, even if it is clustered into one acre parcel, you would get about thirty percent of that overall development as open space.

[unknown speaker]: And the criteria of fifty percent is what?

Rowan: It is just suggestion. It's just a "what if". It means, "what if your criteria is fifty percent?"-- that's what you are looking for. There is no determination here that that's what it should be. Randall Arendt, in his video, was talking about trying to get fifty percent open space out of developments. Well, how easy it is to get there depends on what the density is. About project size, he was suggesting that a limit size would be established, in other words, if it is over a certain size, you probably wouldn't want to take the project under more stringent review. Under sewer we're saying that these kinds of projects would have to demonstrate that the capacity of any new sanitary sewer facility would be limited to what is necessary to serve the project and nothing more. Regarding submission requirements- one of the things that was asked at the last meeting was for people to be able to bring in a conceptual sketch in before they get into detailed planning. We have an example here of what that would look like. We are saying, in this kind of process, yes—we would ask the developer to come in and show the Planning Groups and planning department a conceptual sketch before they get into really detailed analysis. So if there are problems you know that up-front, or you can know if this is what you want. You can make those adjustments before the developer has made a real commitment to the project in terms of time and money. We are suggesting that that would be a submission requirement for this kind of

clustering that falls within the minimum and maximum range. However, any developer that either had a project that was too large, or over the limit that you had established- if a developer had a project where they wanted to use a minimum lot size that was smaller than you allowed in your Zoning Ordinance- then they would have to come in and do a re-zoning process and go through a more stringent review process. That's probably more similar to what you have now with the findings. It's not defined clearly in here, but the point is that it would be a more stringent review process. So right now we don't really have "B". "B" doesn't exist. We're suggesting that that is one way you could get some good clustered projects that provide some kind of minimum open space benefit that the communities are looking for. Again, on the table of Page 14, what are we talking about, in terms of minimum lot sizes to get those open space benefits? And it really varies pretty dramatically, depending on what the density is. When you get up into 1du/10 acre, if you had a minimum lot size of half an acre, you are going to get eighty percent open space. Maybe you don't need that much, maybe you only need one-acre parcels, you still get seventy-five percent open space. So you begin to see what kind of lot sizes you are talking about in terms of getting the open space benefits. So, we're hoping that that information is helpful to you.

Woods: In looking at this over the past couple of days, it made a tremendous amount of sense to me. I wanted to compliment staff on this job, because what it says to me is that if you as a community decide you want to create an open space mapping area, a conservation area, for the quality issues in your community, you can look at some of these examples and see what the numbers are going to be based on the clustering minimum lot sizes you established for those areas, and they can be different for each area. And then you can see what percentage of total open space you can rely on having, by the size of the cluster to the minimum lot size. I think it's a great tool and they have answered a lot of the comments we had at the last meeting. I would like to hear what all you have to say.

Ferguson: The policies and standards on clustering- I think we can all agree that good things can come, etc. What really counts is what you do with the enabling ordinance, how you set up the dedications, etc. A number of years ago, that got hammered out in the present lot-averaging ordinance, but Gary said that was hard to use for DPLU. So I was kind of curious, could you give me an example of why that present ordinance was hard to use, and it has required findings in it?

Pryor: In going through that one, you're really trying to make findings; you are trying to compute the averages, which gets pretty complicated. It is much simpler just to say, "here are the standards you have to meet". Either you meet them or you don't meet them. Because rather than going into all the mathematics and calculations and everything that is associated with the lot-averaging approach, it avoids that kind of math.

Ferguson: When you get to the Planning Commission, they like standards and policies, they really like the ordinances that say, "you can do this or you cannot do this". It gives them really strong guidelines to work with.

Pryor: Well this will do the same thing.

Ferguson: If you don't have required findings—if you just have standards, it is a different story entirely. It's a small amount of flexibility and sometimes they don't want it. They would rather do what they think is the right thing, but the standards give them a lot of room to move.

Pryor: Well it depends how you write the standards. I mean you can write the standards pretty tight.

Rowan: I think that one of our goals would be to take some of the findings that are required now, and to try to determine, “well, what are those findings getting at”. And in fact, you probably could develop some guidelines and standards that would make sure that the project did meet those findings. Instead the difference is that developers would know up-front what’s expected- in fact that would be more definitive.

John: It sounds like the present one was hammered out over a long period of time, it works pretty well, at least when you are protecting communities from the developments that aren’t doing what you had intended. But you say it’s hard to use, because the computation, but that’s what computers are for.

Pryor: John, what you are looking at is you’ve set the base upon which the whole policy was set. The old policy was set on parcel size. It is designed to regulate parcels. Keep in mind we’ve separated the lot size issues from the density issues. Now you are dealing with the densities. Now you need to craft something that will fit within that density framework. That’s why that old policy is not going to be applicable in the same way.

John: Well, in terms of minimum lot sizes, the place where [the existing clustering ordinance] says, “Required Findings”, if you want to cluster but you’re going to have smaller lot sizes you have to have a buffer area along the existing outskirts. If there’s residential, say, of a given density- you have to match that density along the outside. That’s a good thing to have.

Pryor: We can still do that.

Rowan: Absolutely.

Ferguson: When you go through it, you can see a reason for each of those things in the ordinance and I don’t know if that much changes if there’s a change in density.

Pryor: When we go through we’ll actually do what you just did- we’ll look and see. Because right now we rely on the parcel size that’s adjacent to an existing development. But there are also a lot of open space buffers that, when you’re using density, you don’t have to put as a parcel, you can actually use open space at the perimeter as opposed to bigger lots. So, those are the things that will have to get crafted in and I’m sure that there are what you call “findings”, but what I look at as basic standards that say you have to protect existing development from the cluster by doing these things- you can either use larger lots as a buffer, open space as a buffer, etc. Those are the things that you draft into that ordinance. That still gives you some flexibility but it also tells the person that’s getting ready to do the design exactly what you’re looking for. [to Ferguson] We may be saying the same thing.

Ferguson: Could be. The ordinance does say “findings”, though.

Pryor: Yes, the current one does.

Chisholm: Assuming you determine the densities separately and say we don’t get involved in lot sizes, etc. [comment relates to streamlining the process for creating clustered developments].

Woods: I think the other side of the coin that you’re alluding to is that if a community has, like Ramona, a Grassland concept that they support, they can actually map this out today and set minimum lot sizes in certain areas in order to accommodate 60, 70, 80% of those grasslands. It’s

a tool they can use today to establish what the pattern is going to be tomorrow. And you can set all these minimum lot sizes, you can streamline it and say, “Come in and do the clustering and for that you’re going to get through the system faster *and* the community is going to be happy”.

Chisholm: As much as I love hearing that, some of us are a little concerned about the fact that the process would be streamlined. [I am open to a way] that projects can be better designed, which I know can be done. But some of us have never seen that [as Margarite can attest to]. So, I can understand the skepticism...

AT THIS POINT, AUDIO DIFFICULTIES WERE ENCOUNTERED. PLEASE CONTACT DAHVIA LOCKE (858) 495-5873 TO NOTE ANY IMPORTANT COMMENTS THAT WERE MADE DURING THIS PERIOD.

[Added and paraphrased from submission on 12.14.02]

G. Jemmott: Are the net parcel sizes listed for the various densities on page 14 of the Land Use Framework Clustering handout available to be selected from or are they for the purpose of illustration?

R.Rowan: This is not an exhaustive list of possible lot sizes. They were selected to demonstrate how lot size could affect the open space provided by clustering.

G. Jemmott: In the previous discussion on clustering, it was stated that each community could set their own minimum lot size. A survey of property owners within the Twin Oaks Valley Planning Area (34% response rate) showed that 27% of respondents favored clustering and 73% were opposed. Based on this and other information, the Twin Oaks Sponsor Group would like to set the minimum lot size to be the same as the density for any particular area. For instance, if the density in a neighborhood was 1 du/ 10 acres, the minimum lot size would be ten acres per dwelling unit. We would not like to see maximum lot sizes specified. People should be allowed to have property as large as they wish. [A Steering Committee member then comments that this is not clustering.] This is true, but that is what the community wants. In addition, the purchase or transfer of development rights was opposed by 69% of respondents when the transfer was from part of the Twin Oaks Valley Planning Area (TOVPA) to another, and by 85% of respondents when transfers involved the TOVPA and other parts of the County. Our community character includes people using parcels of two to twenty acres for agriculture, equestrian facilities, growing ornamentals, raising birds or various exotic animals, or for maintaining their own private open space. It is very hard to find areas in San Diego County where parcels of this size range are available and where most residents not only tolerate but also enjoy and encourage the variety of rural type land uses. The tradeoff of small lot sizes (two acre and under by local definition) for large tracts of open space is not acceptable to the vast majority of property owners and residents. Based on how clustering or lot size averaging has turned out in the past in our area, if clustering is allowed it should only be with full design review involving the community. Density bonuses should not be given for clustering. The project cost savings associated with clustering should be sufficient incentive and density bonuses defeat the planning that went into the land use maps.

[audio recovered portion]

Phillips: One of the things that has been introduced tangentially, or surreptitiously, I don’t know, is maximum lot sizes. But I can tell you that when I first started in the planning business in this County, the development industry was trying to get maximum lot sizes specified. It is something that doesn’t work, except in perfectly flat terrain, or grid layout projects, and it is something that shouldn’t be considered. The minute you put in an ordinance somewhere that there is a

maximum lot size, or if you put it in your General Plan that there is a maximum lot size for a certain land use designation, you have put thirteen knots in a rope for yourself. Because that then is the definition. And I have a real problem with specifying it in clustering or in any other way. I said this before and I'll say it again, the minimum lot size of clustering should be in the community plan. If you allow these people to eventually put it in some kind of a tertiary ordinance, then what your plan is will be no more. You need to decide, like the gentleman that said, "Our minimum lot size for 1du per 10 acres is 10 acres". And indeed that's probably what seventy percent of your community wants, then good. If you allow it to go to into an ordinance, then it can be in this POD realm (as we all get all these letters and ordinance revisions called PODs) and that realm is a real snakepit to try to have any effect on. It takes a very concerted effort- it takes having meetings scheduled for your Planning Group that will work and be effective, because these things get modified in planning commission, they get modified by staff. For example the PODs on cell phone towers have been going on for at least two years now, and it's still not done.

Pryor: Jack and I agree on one thing, and that is setting maximums on lot size is dangerous. Jack is absolutely correct there. You want to set your minimum lot size but you do not want to try to get into the maximum lot size because that gets to be very dangerous territory. From that standpoint, I concur with Jack on that one.

Phillips: I have a lot to cover here, Gary. I consider the maximum lot size to be one of the most important things here. The second most important thing here is this maximum yield concept. I want to remind you all that you face single density fall-out at ten acres, twenty, or two acres, whatever. On resource yield (ordinance), we did away with slope-density changes. In other words, 1du/40acres is twenty, 1du/2,4 in Estate Residential; we did away with all of that. For the concept that your yield would reduce when you have above twenty-five percent slope, and when you have above a fifty percent slope, and when you try to build in a flood plain. If that is not an absolute, then this whole clustering thing is going to produce some real wild deviations in our community character. I'll give you "the ninety acre example". You've got a piece of ground that's 1 du/ acre. The gentleman from Alpine thinks that they have one hundred acres. And ninety of it is in a flood plain, or ninety of it is on the side of a mountain. The gentleman from Alpine says that his people understand that that they're entitled to one hundred units. Well, say only five acres of that land is anywhere where you can really build on it. You know you're a public road, you don't have to build a bridge across a river, etc, etc. You put one hundred units on the five acres. I think that's what the development industry wants us to do. And that's why when you look at this chart in the back, they're talking about- let's take 1du per 10 acres as a general plan designation- we're talking about half-acre lots. Those are urban lots. It's not just likely that it's going to be there. Even 1du/ acre is out of character. It's not until you get to about half of that, five acre parcels, that you are really going to start having the additional apple groves or little avocado groves or something on that property, that's going to have it fit in with the nature of that community.

The other aspect that is a big concern to us on the deal- we have some golf courses out there that I think are going to love us doing away with the yield we've got from the formula because they are going to come forward and say, "I've got a five hundred-acre golf course and I want to build condominiums along the edge of that. I'll even give up a few golf holes so I can do it". They've already gotten the major use permit; they are already getting the benefits from the land, and now they want to add units to it. This new formula will work for them, because they will be able to take density, even though it is very low density, applied to the five hundred-acre golf course, and cluster it... maybe there'll be town homes, or maybe they will be zero lot lines. The idea is that anything along a golf course will probably be four or five hundred thousand dollars- very worthwhile to build. I don't think we should give up the maximum yield idea and go into the

other aspects where they're actually going to encourage this type of thing. So, my point is that we shouldn't give up the yield-reduction formulas we were told for four or five meetings. When they talk about mapping important resources in your plan area, we have learned that you don't really know where those important resources are except for very, very big-scale general indicators. Until you get down to the actual, on-the-ground project investigation, I don't think you want to rely on resource-protection on the scale of a community plan map. I think you really need to have on-the-ground reviews, and that would be literally impossible. We've been unable to do it and we have a professional biologist on our Planning Group that's walked over a lot of our area, but he certainly hasn't covered all of it.

Another thing that is alarming was that Gary said that cumulative impacts (and this is a friendly criticism) he said that, "cumulative impacts are all done". And if you don't know from an on-the-ground review what's out there, there's no way you can say that the cumulative impacts are all done. And, so I have a real problem with that aspect, because that almost automatically drives you to a "Negative Dec", as an environmental document. And I'll tell you I've found that bias in staff today, I've found that bias in the local water districts, I've found that bias in everyone that we deal with. They want to use Negative Decs under CEQA- a mitigated Negative Dec on practically every project. And so you don't look at project alternatives in a Negative Dec, and you don't look at cumulative impacts. That's what you're giving up if your statement ever is considered valid that we're going to do an EIR on GP2020, and that really eliminates the need to assess cumulative impacts.

Page 7 of the handout, on the Framework Item 21— How should road standards relate to clustering to ensure protection of community character? We got a real problem here and it's happened in our area. We clustered along circulation element roads, and it doesn't work. It is one of the most dangerous things you can do on a roadway. You've got a road that's generally going forty, fifty miles an hour, and you put driveways along it. This is in direct conflict. Fine if they are all residential roads, but [it's a problem] when you're out in the country (and part of our Planning Area is out in the country) and you put rooftops along the Circulation Element road, which is the idea here in clustering. You take the rooftops out of the hill back there and move them down to where they have the best road access and you're going to be putting them on essentially Circulation Element roads. The current road standards say you can't do that. But they do it. And current road standards say you can't have direct access. That immediately makes you cluster development deeper, because you are having it a whole roadway away from direct access. There are some other concepts here, let me move on to page 10. "Under the Implementation Plan, develop building and site development standards/guidelines for clustering". I heard Gary say that we are going to do this community by community in an ordinance. Am I making a correct assumption?

Pryor: Yes, because there may be things to keep track of in individual communities that might affect the character- architectural styles that would affect those types of things.

Phillips: So it would be, for example, in our Community Plan—we have community design as a whole section of the plan, not the general plan. Okay. My comment was that you probably do that Countywide since you've got the desert, the mountains, you've got coastal areas, and it wouldn't work for Countywide standards. But then under the Zoning Ordinance Update, once again we have the maximum lot size. [reads from clustering handout] "Assign Minimum/Maximum lot size range for clustered projects that would be subject...". So this maximum lot size is very dangerous. And then finally on that page, "If desired, communities can include a conceptual map of the open space network for their community". If you do that, not only do you have on-the-ground knowledge of what's out there, but if you do that, you're immediately "downzoning" a bunch of people's properties. You'll have a map that says, "Half of your property, or two-thirds of it, is part of our open space network plan, but yet you got zoned

one dwelling unit per four acres or one of the categories (not zoned in a land use designation)". You've created a real conflict if you try to mask that. And the property owner will come and say, "Wait a minute, you got half of my property, or two-thirds of my property, as an open space network". I think that that will create a little bit of a furor- a lot of furor.

On page 11, "Density and Yield", once again addresses maximum lot sizes. What we're saying is that they're proposing a policy that the minimum and maximum lot sizes shall be established for clustering in each residential land use designation. Now, keeping in mind a residential land use designation is what we're talking about on our community plan map. So, that's putting clustering on the community plan map in a Countywide context saying it's one DU per two acres, a clustered project would be one DU per half acre, or [unintelligible]. This would be developing Countywide community character. That would say that San Dieguito has to be the same as Valle De Oro.

Next line down under "Regulations/Process", this pre-app process really worries me especially if it results in a scoping letter. Now I understand the concerns of the young lady from Ramona, but let me tell you our experience. If we don't get our input in on a project before the scoping letter, what we have historically found is that staff, in general, has started the momentum of what that project should be. They sit down with the applicant, and they make all these agreements when they haven't heard our input. Then who is it out there with all the wisdom of what's on the ground of a community? It's not the staff people, it's the Planning Group. So the whole idea of the pre-app process is good, but there should be no scoping to come out of that until the Planning Group has their input. And their input may be, "Yeah, it looks great", or their input could be, "Wait a minute, it's too many rooftops, it could never be compatible with character"- any number of things. So I'm concerned about that.

The next one is, "Establish a streamlined review process for well-designed developments that produce open space benefits". The current PRD process does this. My compadres in Spring Valley have been talking about lot average. Lot averaging is seldom used in this County, but planned residential developments are used on almost most projects, at least in our area. That is a clustering system that uses a Major Use Permit. And what do you mean by "streamline"? Does it mean that if it meets these certain standards, is there literally no way that the community can then say that the project is inappropriate?

Pryor: If you look at the guidelines, if you look at the extent of the structure, there are two distinctions you can make. You are either going to have a cluster project conforming to the specific standards, etc., that are already predetermined as a site plan review, or you are looking at it from the standpoint of the discretionary action, where it's coming through as a map. But both of those are subject to review.

Phillips: Now, can I stop you there just for a minute? When you talk about site plan review with regards to a subdivision that scares me, because site plans have a completely different administrative track and they don't include appeals before the Board of Supervisors. As a matter of fact, they only include an appeal to, I think, PERB.

Pryor: Under the current process, that is correct. But with this, we are looking at how you structure that so you can move that so that the appeal goes up to the Board if you wish. We are not looking at using the current process, we are looking at drafting a process that will be specific to the clustering ordinance.

Phillips: Okay, our experience on every clustered project we looked at- it has had to change dramatically, and we've had to use the findings of the use permit to get it changed. If you put it in a site plan process, you don't have the horsepower of a use permit process, which allows you, when things don't come out right (and they often don't come out right) to take it to the Board of

Supervisors as an issue. I don't think we should weaken that because there are clustered projects, and there are *clustered* projects- some of them are ridiculous and some of them are good.

Pryor: Let me address that. What you have is a base of decisions, and that's what we are looking for is direction. If you do it by site plan, you're correct. If you decide that you want tighter control, then you make a discretionary action where they actually have to place an overlay zone on top of that property in order to do it, which in turn takes it through that process. This means a full public hearing with all the full reviews. You can negotiate the arrangement, site plan configuration, which is what you are talking about.

Phillips: Can I say, Gary, I can't see a case where you would want a bifurcation in the two different processes. I could see the case that we have now where you have review of clustered projects, and review of findings.

Pryor: Correct.

Phillips: I think it's better to have a consistent process then to leave that decision up to the Director of Planning to say this will go on this track, and this will go on this track.

Pryor: So do I. That's the reason why we are bringing these not as a recommendation, but we're bringing them as the options that you have to look at and give direction on. Don't look at them as our recommendation that we're advocating one way or another. These are two options that you need to be aware of that you can use with the clustering principles to give us direction. Then if you want to take it to the next step you could put design regulations in that says the housing is basically going to be of the same type character (you should spell out what that is). So, it's more neighborhood conservation where you've got existing neighborhoods. Where you've got raw ground, then you're going to set the standards that you're going to look for in that development, both in terms of lot size and any architectural controls that you'd be imposing. That would go in the zoning portion for that Community Plan.

van Dierendonck: It sounds like de ja vu- somebody's talking about gray water. I think that I brought that up about eighteen months ago. The methodology is there in the plumbing profession right now to make it possible.

Woods: It didn't go away.

Pryor: Let me address that for a quick minute because the comment was made about the County making it tough to use gray water and that is absolutely correct- they have not gotten into the 21st century. Because, if you look at it, package treatment plants today are required to have an MPDS Permit which says that its got to meet these certain water quality standards, and they're monitored and they're measured. So, if it meets that standard, that's the same as whether it's a big sewage treatment plant or a little one- it still has to meet that same standard for water quality. At that point, there is nothing to prevent that from being used for irrigation purposes. And that's, I think, what everybody's trying to get to. If you want to get down to the real issue- the reason that the County set up all those policies was because of the growth control. It had nothing to do with the gray water or the application of gray water for a beneficial use. It had to do with the thinking that if you've got a package treatment plant or a small treatment plant, that's going to induce growth and we don't want growth in these areas. We've got another way of resolving the growth. That's why you have a general plan that's got density in it because that sets what the growth is going to be and then it's just a question of how you treat the sewage; Do you do it with septic systems? Do you do it with combination septic systems? Do you do it with treatment plants that are sized

only for those developments? At that point, you've still got protection built into that process because if you go to oversize the sewage treatment plant, basically, that's growth-inducement. Now you're into a big issue in terms of the environmental impact and it means you're suddenly trying to change the land use. So, there are other techniques now that are available to us such that we shouldn't be so fearful of package treatment plants.

van Dierendonck: [Regarding] [t]he GP2020 Implementation Plan on page ten- I do agree, and I think that most of the Planning Groups here will agree that to, "...develop building and site development standards/ guidelines for clustering should be done by community with the assistance and guidance of DPLU..." so that we can have both uniformity and individuality. And make it work for the community's benefit instead of [the community] sitting up there saying, "Well, what the hell is a planner doing with this- they don't live up here, they don't know what this is." *We* do. We live there- we know what can work. That would carry over to taking care of the impacts caused by overlaps by past parcelization general planning- the policy which could create infrastructural nightmares or incompatibilities if not done in the correct way. And the other part of it is that the Planning Group Scoping Letter comment, something that we've been concerned with for a long, long time- we get the Scoping Letter in one period, but our Planning Group meeting is after the review time. Twenty-one days just is not sufficient. It needs to be gotten to us in a more timely manner so that the chairs can get them distributed to the entire Planning Group in a timely manner. Today, a lot of times we don't get it. We don't even get it at the subcommittee level. It pops in sometime in between there. It's an inefficient, ineffective way to do it.

Ferguson: (Question regarding liability of property owners of open space areas).

Harron: State law now allows you to record a notice where they're open to the public or the public is using them, that is with the owners' permission. And, if you record that, people cannot acquire prescriptive rights to that property. The other advantage to that is that the Civil Code provides immunity from liability if people use those for recreational or trail purposes. If it's private open space that is not open to the public, in that case it is the owners' responsibility and the owner would have to protect their property interest. The "owner" would be either the individual landowner or it would be a homeowners' association if it's held in common.

Morgan: Based on the fact that the City of San Diego and the City of Carlsbad have downsized from their original concept of the City, is that going to effect the County accepting more?

Pryor: No. We've already had that discussion with the Regional Planning Agencies and they are to stay with the planning efforts that this group has put together.

Schooler: A couple of things. Coming from Tecate, we don't deal with these issues. But, based on what I'm hearing from the other communities' experience, I think that there are two issues in adopting the concept of going to density-based planning. The first one that I see is that the open space that is created has to be [permanent]. Secondly, if it's deeded to organizations [inaudible]...I know that in Tecate, a landowner donated property for a fire station. But if he donated that property, it reverts back to him if it's not used as a fire station. The community depends on that property to be a fire station. Those two elements pretty much ensure that property is used that way. In the other communities that I know of, when we depend on not allowing infrastructure into an area, like sewer, we really give up a lot. In an area that I know of now, they're really having problems (flooding, etc.). One more thing, we have to incentivize- if we're going to go and make these areas open space or trails, etc., we have to incentivize for the developer and it has to be clear.

Chisholm: ...[inaudible- comment regarding the challenges and the results of working with small lot sizes under the current plan]... All of a sudden, you wake up one day and the whole town has developed into twelve units on a four-lot map.

Phillips: We went through the resource-based density issue. Gary, we were assured that minimum lot sizes for the clustered development would be put in our Community Plan. And we put it in our Community Plan text. I just want to throw out, again, that we were told that in relationship to resource-based density. And it made a lot of sense because the very character of these communities is a lot driven by what kind of developments and how small the lots get within the community. So, it is a Community Plan issue. When it's relegated to some companion zoning ordinance there's not the same impact as saying right upfront in your Community Plan, "If you're going to cluster, you can only have (in our case) 50% of the achievable lot size". I just wanted to remind you that we were told it would be in the Community Plan. We already put it in our Community Plan and now I'm hearing it's going to be in some zoning document that we don't know when will be produced, because you're talking about a different one for each of how many different Planning Areas? We're talking about another two years, three years, and one person that's been assigned to this is not going to cut it.

Glavinic: This goes back to Margarite's comment about us thrashing around at the Planning Group level. Awhile back, maybe a year or so, there used to be someone from DPLU, a Planner, or an advisor, who would come out. I thought that was very helpful.

Woods: It sounds like we're pretty much talked out on this subject for suggestions. Rather than trying to go for solutions on what's been brought up, one of the things that we need to talk about is a date- one more before the end of the year. I'd like to have a quorum on the 14th and I guarantee we'll be out of here by 12:00pm. [*The group votes on December 14th for the next Steering Committee.*] Also, LeAnn has copies of the Notice of Preparation for the EIR here if you want to grab one before you leave.

Carmichael: It should have been mailed to everyone, but if you do need some extra copies I have them. And, if you need to give me a call to discuss what this actually means or whatever [please do]. This is really an information-gathering pre-cursor to the Environmental Impact Report. That does not mean that we have a Land Use Distribution that we've started on, but we do need to set a baseline for our data which is what the Notice of Preparation does. And, so 2002 will be our baseline date. We'll be gathering information and talking with the other agencies to see what types of issues will need to be included in the EIR from their perspective.

Meeting adjourned at 12:00pm.